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Filing Date	08-17-2000
First Named Inventor	Peter H. Wolf
Art Unit	3625
Examiner Name	Naeem U. Haq
Attorney Docket Number	WOLF-38176

ENCLOSURES (Check all that apply)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	KELLY LOWRY & KELLEY, LLP
Signature	
Printed name	Aaron T. Borrowman
Date	06-16-2005

Reg. No.	42,348
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June 16, 2005
Aaron T. Borrowman, Reg. No. 42,348 Date

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Peter H. Wolf

Serial No. 09/641,248

Filed: August 17, 2000

For: PROCESS FOR PROVIDING EVENT
PHOTOGRAPHS FOR INSPECTION,
SELECTION AND DISTRIBUTION VIA A
COMPUTER NETWORK

Group Art Unit: 3625

Primary Examiner:
Naeem U. Haq

Docket No. WOLF-38176

INTERVIEW SUMMARY

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This Interview Summary is submitted further to 37 C.F.R. § 1.133 and
M.P.E.P. 713.04.

Pursuant to Applicant's request, an interview was requested with Examiner Naeem U. Haq, his Primary Examiner and Supervisor, Wynn W. Coggins. Applicant and his attorney met with the Examiner, Primary Examiner and Supervisor on June 1, 2005 at the United States Patent and Trademark Office to discuss the above-identified application and the May 6, 2005 Office Action.

Applicant, Peter Wolf, initiated the discussion with a brief history of event photography and the conception and reduction to practice of the invention. Mr. Wolf explained that the phrase "event photography" has a particular meaning within the photography field for taking photographs of individuals, such as at a sporting event, for later purchase and display as a memento and keepsake of the event. Mr. Wolf explained that in the Spring of 1999, he conceived and reduced to practice the invention and began taking photographs of sporting events and posting these images on-line for later search and ordering. Mr. Wolf also discussed how he began to make presentations about the invention, including the September 22, 1999 BRDAA Annual Meeting, the meeting minutes of which were forwarded to 150 members across the country. Mr. Wolf explained how his invention became a "buzz" among photographers thereafter, and his competitors began to copy his invention.

Mr. Wolf then described the basic teachings and motives of the primary references (Imhof and Siegel) in comparison to his invention. He described that the purpose of the Imhof and Siegel's patents is to record the precise time an athlete passes a location, in order to establish a winner at a competitive event. Mr. Wolf described how these patents are specifically related to photo-finish technology and photography. Mr. Wolf described how both Imhof and Siegel disclose methods which focus on a very narrow image window at the finish line. Many images are taken over a short time, and even though they can be reconstructed, create distorted images from the side of the athlete which are not suitable for purchase and display as a memento or keepsake in the traditional "event photography" sense.

Applicant's attorney and the Examiners then specifically discussed the claim recitations and basis for rejections, focusing on independent claim 1. Claim 1 was rejected as being obvious in light of the combination of Imhof, Narayanaswami, and Berlin or the combination of Siegel, Narayanaswami and Berlin.

Applicant's attorney argued that the references, even when combined as proposed by the Examiner, did not teach all of the limitations of the claims. Moreover, the references are non-analogous to each other and the invention and only combinable in light of the invention in an effort to re-create the invention. Applicant's attorney argued that such hindsight reasoning is improper and strictly forbidden.

Applicant's attorney argued that the photo-finish patents of Imhof and Siegel do not provide "event photographs", do not take photographs of substantially the entire body of at least one participant of a sporting event along at least one point of a course or field thereof, and do not associate identifying data with each photograph taken. Moreover, there is no discussion whatsoever in Siegel nor Imhof of informing the sporting event participants of the identifying data; transferring the photographs to a computer network server; cataloging each of the photographs to a web-site server according to the identifying data; and accessing a server at a location other than the sporting event to search for a photograph of a particular sporting event participant utilizing the identifying data such that the photograph is displayed and the event participant can inspect and order the photograph.

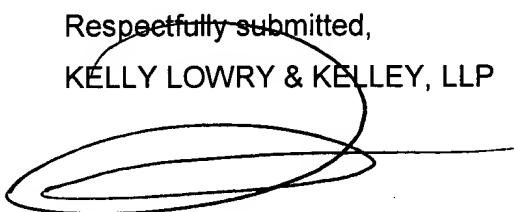
Narayanaswami was combined with either Imhof or Siegel for the proposition of transferring and storing photographs in a computer network server and cataloging each of the photographs by date and time. However, Applicant's attorney pointed out that Narayanaswami specifically describes that cataloging by date and time alone is insufficient, and instead a plurality of parameters must be utilized to properly catalog the photographs in a computer database. As such, Applicant argued, Narayanaswami actually teaches away from the

invention. Moreover, Narayanaswami does not disclose sport photography, or event photography whatsoever.

Berlin was combined with Narayanaswami and either Imhof or Siegel for the proposition of providing a web-site server, and the possibility of ordering goods therethrough. However, Applicant's attorney argued that Berlin does not disclose the purchasing of photographs over the Internet, and actually supports the non-obviousness of the invention in that the Internet and purchasing goods and services on the Internet was in place for several years before the present invention, and that Applicant's invention, which has transformed the event photography field, was in fact unique and non-obvious.

Applicant's attorney and the Examiners discussed that none of the references suggest or disclose informing the sporting event participants of the "identifying data", or a sporting event participant accessing a server at a location other than at the sporting event and searching for a photograph utilizing the identifying data. This point was mutually agreed upon, and the Supervisor indicated that the Examiner would be conducting a further search to determine whether more pertinent references applied to the invention, and whether the "Official Notices" could be adequately supported.

Respectfully submitted,
KELLY LOWRY & KELLEY, LLP

A handwritten signature in black ink, consisting of a large, stylized loop that starts under the word 'Respectfully', goes up and around the word 'submitted', and then loops back down to the word 'Respectfully'.

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